UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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| **UNITED STATES OF AMERICA,** Plaintiff, v. **Maricela GONZALEZ-Trejo, Miguel ROMERO-Rios** Defendant(s) | Magistrate Case No. 08 MJ 0429 |
| | COMPLAINT FOR VIOLATION OF: |
| | Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens |
| | Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation |

CLERK, U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA, DEPUTY

The undersigned complainant, being duly sworn, states:

COUNT ONE

On or about **February 13, 2008,** within the Southern District of California, defendants **Maricela GONZALEZ-Trejo** and **Miguel ROMERO-Rios** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Luis Alberto OCHOA-Castillo, Gabriel CASTRO-Garcia,** and **Hector CERVANTES-Avina** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

On or about **February 13, 2008,** within the Southern District of California, defendants **Miguel ROMERO-Rios** and **Maricela GONZALEZ-Trejo**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Luis Alberto OCHOA-Castillo, Gabriel CASTRO-Garcia,** and **Hector CERVANTES-Avina** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** DAY OF **FEBRUARY 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

Cwc

**CONTINUATION OF COMPLAINT:**
**Maricela GONZALEZ-Trejo**
**Miguel ROMERO-Rios**

## PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Luis Alberto OCHOA-Castillo, Gabriel CASTRO-Garcia,** and **Hector CERVANTES-Avina** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 13th, 2008, at about 2:15 p.m., U.S. Border Patrol Lead Agent (LBPA) A. Martinez, observed a 2007 Silver Dodge Durango while he was leaving the parking lot of the Kings El Norte 76-Gasoline Station located in Escondido, California. Agent Martinez was working in a plain-clothes capacity.

The Durango then made a u-turn to travel on to I-15. Agent Martinez noticed that as the Durango passed in front of him it was being driven by a female driver, later identified as the defendant, **Maricela GONZALEZ-Trejo**. The Durango had tinted windows, but the front drivers' side window was lighter than the rear windows. Agent Martinez could distinguish the silhouette of the defendant in the front seat. There was enough ambient light in the background to distinguish the silhouettes of any rear passengers through the darker tinted rear windows. Through the Durango's driver's side rear view mirror, Agent Martinez was able to positively identify the defendant as the driver. The defendant was wearing a blue t-shirt top and had her blond/light brown-dyed hair tied in a bun-like hairdo.

Agent Martinez noticed silhouettes of at least two subjects begin to sit up in the back of the Durango. Agent Martinez also saw that one of the subjects moving in the rear of the Durango was thinly built, had short hair, and was wearing what appeared to be a light grey t-shirt. A common tactic used by smugglers while in transit is to keep illegal aliens hidden within the vehicle out of public view during certain portions of a trip in an effort to defeat law enforcement scrutiny. In this case, the rear passengers began sitting up as the Durango began getting onto the I-15.

At about 2:15 p.m. the Durango began traveling northbound on I-15 from where Agent Martinez began surveillance on the vehicle. Records revealed the Durango is a leased vehicle through Alamo Car Rental.

While northbound on I-15, between El Norte Parkway and Deer Springs Road, Agent Martinez noticed that the defendant began driving the Durango slower, as if trying to detect any law enforcement surveillance. Agent Martinez kept the Durango in constant view. After passing Deer Springs Road, the Durango sped up and stayed at the same speed limit the other commuting traffic was maintaining on I-15.

Agent D. Estoesta, driving a marked Bureau sedan fully equipped with emergency lights and sirens began following the Durango on I-15. At about 3:15pm, Agent Estoesta attempted a traffic stop on the Durango on Northbound I-15, south of the Winchester/Northbound-79 Exit. After initially pulling off onto the shoulder of I-15 and appearing as if she was going to stop the Durango, the defendant suddenly drove back onto Northbound I-15. Agent Estoesta discontinued the pursuit due to the increasing volume of traffic and the high rate of speed the Durango was traveling. Agent Martinez continued his mobile surveillance of the Durango as it continued past the Murrieta Hot Springs Road Exit. Agents Martinez, Velez, Gonzalez, and Baker observed the Durango as it exited from Northbound I-15 and drove east on Bundy Canyon Road.

**CONTINUATION OF COMPLAINT:**
**Maricela GONZALEZ-Trejo**
**Miguel ROMERO-Rios**

While the Durango was stopped in traffic at the stop sign at that intersection, agents exited their vehicles and approached the Durango on foot. Agents displayed Department of Homeland Security (DHS)/Customs and Border Protection (CBP) badges and identification, and announced their DHS/CBP/USBP authority to conduct immigration related investigations.

The subsequent immigration investigation revealed the defendant as the driver and four male passengers, who feely admitted to being citizens of Mexico, illegally present in the United States without proper documentation allowing them to remain in the United States legally. All subjects were placed under arrest at about 3:41 p.m. and were transported to the U.S. Border Patrol Murrieta Station for processing.

**DEFENDANT STATEMENT:**

The defendant was advised of her Miranda Warnings and she stated she understood her rights and was willing to make a statement without an attorney present. The defendant stated she is a citizen and national of Mexico without any immigration documents to enter or reside in the United States legally. The defendant was questioned as to her smuggling activities and responded she always picks up men on the side of the road because she feels sorry for them. The defendant stated she did not know the passengers were illegal aliens when picking them up. When questioned as to why she failed to yield to U.S. Border Patrol she stated the co-defendant grabbed her hand and told her to keep driving. When informed she had been seen picking up illegal aliens near the Golden Acorn Casino in Campo, California she was not willing to answer any more questions.

**MATERIAL WITNESSES STATEMENTS:**

Material witnesses **Luis Alberto OCHOA-Castillo, Hector CERVANTES-Avina, and Gabriel CASTRO-Garcia** all freely stated they were citizens and nationals of Mexico without the proper documentation to reside or enter into the United States legally. All three witnesses stated their intended destination was Los Angeles, California for a smuggling fee ranging from $1,800.00 to $2,000.00. All three subjects were positively able to identify the defendant, **Maricela GONZALEZ-Trejo,** as the driver of the Durango in a photo lineup. All three subjects were also able to positively identify the co-defendant, **Miguel ROMERO-Rios,** as the footguide who illegally crossed them into the United States near Mexicali, Mexico. Witnesses **Luis Alberto OCHOA-Castillo** and **Hector CERVANTES-Avina** both stated they were afraid for their life while the defendant was driving the Dodge Durango at such a high rate of speed.